



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 38005-0087

Applicant: Heinrich HEIDTMANN et al.

Confirmation No.: 9582

Appl. No.: 09/256,237

Examiner: Minh Tam B. Davis

Filing Date: February 24, 1999

Art Unit: 1642

Title: NUCLEIC ACID CONSTRUCT FOR EXPRESSING ACTIVE  
SUBSTANCES WHICH CAN BE ACTIVATED BY PROTEASES AND  
PREPARATION AND USE

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**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed on the attached Form PTO/SB/08A is a document known to applicants in order to comply with applicants' duty of disclosure pursuant to 37 C.F.R. §1.56. A copy of the listed document is being submitted to comply with the provisions of 37 C.F.R. §1.97-§1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or is considered to be material to patentability as defined in 37 C.F.R. §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

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**TIMING/FEE**

The instant Information Disclosure Statement is being filed after the mailing of a Final Office action on the merits but before the mailing date of a notice of allowance under §1.311. The required fee in the amount of \$180.00 in accordance with 37 C.F.R. §1.17(p) is attached. The

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Commissioner is hereby authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 08-1641.

**RELEVANCE**

References Nos. 1-5 were cited in the Turkish Search Report of the German Patent and Trademark Office received by Applicants on May 15, 2002. Reference No. 1 is the priority of this application. Reference No. 6 was cited by the Australian Examiner in an action of August 1, 2000.

Applicants respectfully request that the listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08A be returned in accordance with M.P.E.P. §609.

Respectfully submitted,

Date: October 15, 2002

By Patricia D. Granados

HELLER EHRMAN WHITE & MCAULIFFE  
1666 K Street, N.W., Suite 300  
Washington, DC 20006  
Telephone: (202)  
Facsimile: (202) 912-2020

Patricia D. Granados  
Attorney for Applicant  
Registration No. 33,683  
Customer No. 26633



26633

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